

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOSHUA S. YBARRA,
Plaintiff,

v.

TESSIE & MEI, L.L.C. DOING
BUSINESS AS FORMOSA GARDENS.
Defendant.

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CIVIL ACTION NO. 5:15-cv-463

DEFENDANT'S RULE 26(a)(1) INITIAL DISCLOSURES

COMES NOW DEFENDANT, Tessie & Mei, L.L.C. doing business as Formosa Garden and respectfully submits its Initial Disclosures in accordance with FRCP § 26(a)(1) *et seq.*:

1(A)(i). The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

A. Fact Witnesses

1. Hsien Nien Meng
c/o Edward L. Piña
Attorney at Law
Edward L. Piña & Associates, P.C.
The Ariel House
8118 Datapoint Drive
San Antonio, Texas 78229-3268
(210) 614-6400 Telephone
(210) 614-6403 Telecopier

This witness is a Defendant representative and is expected to testify in conformity with Defendant's pleadings and respond to the Plaintiff's claims. He will testify about damages and respond to the Plaintiff's claims.

Andy Young
c/o Edward L. Piña
Attorney at Law
Edward L. Piña & Associates, P.C.
The Ariel House
8118 Datapoint Drive
San Antonio, Texas 78229-3268
(210) 614-6400 Telephone
(210) 614-6403 Telecopier

This witness is a Defendant representative and is expected to testify in conformity with Defendant's pleadings and respond to the Plaintiff's claims. He will testify about damages and respond to the Plaintiff's claims.

Joshua S. Ybarra
c/o Adam Poncio
Poncio Law Offices, P.C.
5410 Fredericksburg Road, Suite 109
San Antonio, Texas 78229
(210) 212-7979 Telephone
(210) 212-5880 Facsimile

This witness is the Plaintiff and was employed by Defendant.

Tessie & Mei, LLC d/b/a Formosa Garden
c/o Edward L. Piña
Edward L. Piña & Associates, P.C.
8118 Datapoint Drive
San Antonio, Texas 78229
(210) 614-6400

Defendant herein.

Sam Zchu
Juan Guevara
Gustavo Fuentes
Ricky Rivera
Kevin Yuen
Pis Tsu Chue
Sarh Phoeun
Raul Serrano
Juan Palacios
Carlos Espinosa
Alicia
Maria

Kim
c/o Edward L. Piña
Edward L. Piña & Associates, P.C.
8118 Datapoint Drive
San Antonio, Texas 78229
(210) 614-6400

These witnesses are Defendant's employees and are expected to testify in conformity with Defendant's pleadings and respond to the Plaintiff's claims. They will testify about damages and respond to the Plaintiff's claims.

Lupe Ybarra
8203 Grissom Circle
San Antonio, Texas 78251
(210) 290-3877

Plaintiff's grandmother.

Jose A. Ybarra
8203 Grissom Circle
San Antonio, Texas 78251

Plaintiff's father.

Miranda Naranjo
10115 Garnet Point
San Antonio, Texas 78251
(210) 717-6227

Plaintiff's spouse.

B. Expert Witnesses:

1. Edward L. Piña
Edward L. Piña & Associates P.C.
The Ariel House
8118 Datapoint Drive
San Antonio, Texas 78229
(210) 614-6400 Telephone
(210) 614-6403 Facsimile
Counsel for Plaintiff

This witness may testify as to reasonable attorneys fees (*see* attached curriculum vitae).

Defendant does not contemplate retaining other expert witnesses on this case at this time. However, if such experts are retained their names, addresses, telephone numbers, resumes and written reports will be supplemented.

C. Any expert listed in Plaintiff's disclosure. Defendant reserves the right to call any of Plaintiff's expert witnesses in their case in chief.

1(A)(ii) A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody and control and may use to support its claims or defenses, unless the use would be solely for impeachment.

Response: The documents in the Defendant's possession and custody are the Defendant's payroll records and employee documents concerning Plaintiff. Additionally, Defendant's contract with his attorney and billing statements may be used to support Defendant's claims for attorney fees.

1(A)(iii) A computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure on which each computation is based, including materials bearing on the nature and extent of the injuries suffered.

Attorneys Fees: In a civil case of this nature, attorney fees are also recoverable. Therefore, the attorney fees incurred are included in Defendant's counter claim.

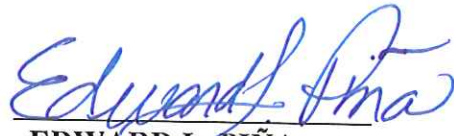
Plaintiff has incurred over \$5,500.00 in attorney fees and these are continuing to accrue. These are billed at the rate of \$250.00 to \$350.00 per hour depending on the qualifications and experience of counsel and the nature of the work performed.

Plaintiff will supplement this amount and provide Plaintiff's Attorney Consultation and Fee Contract and billing statements upon request.

iv. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part or a possible judgment in the action or to indemnify or reimburse for payments made to satisfy a judgment.

Response: Not applicable.

Respectfully submitted,



EDWARD L. PIÑA

Attorney at Law

State Bar No. 16011352

Edward L. Piña & Associates, P.C.

The Ariel House

8118 Datapoint Drive

San Antonio, Texas 78229-3268

(210) 614-6400 Telephone

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument has been forwarded to the following counsel of record in accordance with the District's ECF service rules on the 20th day of July, 2015 as follows:

Adam Poncio
Poncio Law Offices, P.C.
5410 Fredericksburg Road, Suite 109
San Antonio, Texas 78229
(210) 212-7979 Telephone
(210) 212-5880 Facsimile
ATTORNEYS FOR PLAINTIFF


EDWARD L. PIÑA